

In a case involving the very question raised in this, the Court of Appeals decided that the Chancellor was not authorized to decree a sale of an infant's interest in land under this Act of Assembly, on the ground that it would be for his benefit, unless upon proof of that fact, of which neither the infant's answer, nor the answer of the adult defendants confessing the fact, is evidence to affect the infant. *Harris vs. Harris*, 6 *G. & J.*, 111.

This being so, it must be evident that making the infants complainants, ought not to be permitted to obviate the necessity for proof, for if a practice of this sort were to prevail, the rule, as established by the Court of Appeals of not decreeing against infants, except upon proof, could in most cases be evaded. I take it, therefore, in this case, that no decree can be passed for the sale of the property in the proceedings mentioned, unless the proof shall make it apparent that it will be for the interest and advantage of all parties concerned.

The answer distinctly denies the allegation of the bill in that respect, and upon carefully reading the evidence, which is very contradictory, I do not feel myself warranted in saying that the allegation is sustained.

The counsel, in their written arguments, have presented and ingeniously urged many theories in support of the wishes and interests of their respective clients, but in a case like the present, when the only question is, whether the Court shall sell the real estate and convert it into money, and when the law giving the power to do this, declares in terms, that the party asking for its exercise shall satisfy the Court that the interests and advantages of all parties concerned will be promoted thereby, the duty of the Chancellor is confined within narrow limits. If the advantage of a sale is not made apparent by the proof, the Court ought not to order the sale, and especially it should be reluctant to exercise the power in a doubtful case, when some of the parties entitled to the property are opposed to it. As the case comes before the Court upon the bill of review and supplement, the only party applying for the sale, at least, the only party who can be properly regarded as stand-